?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 04.09.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

+W.P(MD)No.19153 of 2018

#Vadivel ..Petitioner

Vs

$1.The Joint Registrar,
Tamil Nadu Cooperative Societies,
Opposite to VVD,
Thoothukudi,
Thoothukudi District.

2.The Deputy Registrar,
Tamil Nadu Cooperative Societies,
Ettayapuram Road,
Kovilpatti,
Thoothukudi District.

3.The Special Offier,
Tirunelveli Special 39,
Primary Agricultural Cooperative Bank,
(TNSPL.39), Akilandapuram,
Kovilpatti Taluk,
Thoothukudi District. ..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records from the first respondent in his proceedings in Na.Ka.No.2982/2014 Sa.O, dated 13.6.2018 and to quash the same as illegal and arbitrary and consequently direct the respondents to give the entire balance amount of the Petitioner-s father-s retirement benefits.

!For Petitioner :Mr.G.Gomathi Sankar

^For Respondents :Mr.R.Sethuraman
1 to 3 Additional Govt.Pleader

:ORDER

The Petitioner has come forward with this Writ Petition seeking to quash the proceedings of the first respondent in Na.Ka.No.2982/2014 Sa.O,

dated 13.6.2018 and to quash the same as illegal and arbitrary and consequently direct the respondents to give the entire balance amount of the Petitioner-s father-s retirement benefits.

2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage.

3.Pursuant to the orders of this Court in W.P(MD)No.6415 of 2013, dated 21.2.2018, the respondent is directed to consider the representation of the Petitioner dated 26.7.2012, wherein,it has been stated that the entire amount due to the Petitioner has not been paid. The case of the Petitioner is that is father-s retirement benefits has been misappropriated, for which, a complaint has been given stating that the actual amount has not been paid to the Petitioner and that the respondents have not taken action against the respondents 3 to 5 in W.P(MD)No.6415 of 2013. The relief sought for by the Petitioner is that the entire amount due to the Petitioner-s father has got to be paid and it is stated that the entire amount said to have been paid by communication, dated 12.6.2017. It is needless to say that if there is any difference in amount,it is for the Petitioner to take appropriate steps approaching the necessary forum for getting the difference in the retirement benefits, as there is a dispute with regard to the same. Moreover, the Writ petition is not maintainable as against a cooperative society in view of the dictum laid down in Marappan .vs. The Deputy Registrar of Co~operative Societies, Namakkal reported in 2006(4) CTC 689. It is needless to mention that if no action has been taken by the officials against the respondents 2 to 5 therein in W.P(MD)NO.6415 of 2013, pursuant to the orders of this Court dated 21.2.2018, it is open to the Petitioner to initiate appropriate action including contempt proceedings.

4.With the above observations, the Writ Petition stands dismissed. No costs.

To

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